

EXHIBIT 2

ORIGINAL

1

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

WILLIE DAVIS, JR.)
NATHANIEL BRIDDELL,)
GEORGE W. FEDDIMAN,)
JOSEPH GARRISON,)
LARRY E. GIBBS,)
ROY H. WALTERS,)
ALL SIMILARLY-SITUATED CURRENT)
AND FORMER EMPLOYEES OF)
MOUNTAIRE FARMS, INC.,)
MOUNTAIRE FARMS OF DELMARVA,)
INC., and MOUNTAIRE FARMS OF)
DELAWARE, INC.,)
Plaintiffs,)

-vs-

C.A. No. 04-0414

MOUNTAIRE FARMS, INC.,)
MOUNTAIRE FARMS OF)
DELMARVA, INC., and)
MOUNTAIRE FARMS OF DELAWARE,)
INC., all Delaware corporations)
Defendants.)

Deposition of WILLIAM DOUGLAS LYNCH, taken
before Pamela C. Washington, Registered Professional
Reporter and Notary Public, at the law offices of
Young, Conaway, Stargatt & Taylor, 110 West Pine
Street, Georgetown, Delaware, on March 15, 2005,
beginning at 11:30 a.m.

APPEARANCES:

On behalf of the Plaintiffs:
Margolis Edelstein
BY: JEFFREY K. MARTIN, ESQ.
and KERI WILLIAMS, ESQ.
1509 Gilpin Avenue
Wilmington, Delaware 19806

On behalf of the Defendant:
Shawe & Rosenthal
BY: ARTHUR M. BREWER, ESQ.
and LAURA PIERSON SCHEINBERG, ESQ.
20 South Charles Street
Baltimore, Maryland 21201

PLAINTIFF'S
EXHIBIT

12

FIRST STATE REPORTING SERVICE

(302) 424-4541

Pamela C. Washington, RPR

P.O. Box 99

Milford, Delaware 19963

Lynch - Martin

1 A No.

2 Q Well, let me go back and ask about what
3 factual basis you have to disagree with the testimony
4 of any of the witnesses, the plaintiffs, who testified
5 here as to how long it took them to pick up and to
6 drop off.

7 A Okay.

8 Q Was there anything other than -- I
9 thought you suggested that you served as the crew
10 leader one day, correct?

11 A I did, one day.

12 Q Okay. Other than your, as I understand
13 it, kind of a general belief it shouldn't take that
14 long, do you have anything more specific?

15 A No.

16 Q No? Okay. And do you recall talking
17 to Joe Garrison out on a farm about the prospective
18 litigation, meaning this lawsuit, before it was filed?

19 A Talking with Joe Garrison?

20 Q Yes.

21 A Yes.

22 Q What was it that you spoke to Joe
23 about?

24 A Just basically just talked to Joe,
25 asking him -- or I heard the rumor that there may be a

Lynch - Martin

1 lawsuit or a litigation, and asked him, you know, what
2 it was about, was there anything that we could talk
3 about, something we could, you know, deal with in the
4 company, deal with within the company. What the basis
5 was for the lawsuit.

6 Q Do you recall what his response was?

7 A I believe he said for back pay.

8 Q Did you make any suggestion that the
9 company could take care of that?

10 A No, sir.

11 Q No?

12 A No.

13 Q Did you make any suggestion as to
14 whether he should file a lawsuit?

15 A No, sir.

16 Q All right, it's 12:15, our agreed-upon
17 time; why don't we take some time for lunch and get
18 back and try to finish this up.

19 (Whereupon, a luncheon recess was
20 taken.)

21 BY MR. MARTIN:

22 Q Mr. Lynch, we left off when I was
23 talking to you about the conversation that you had
24 with Mr. Garrison at a farm, and you recalled having
25 talked to him about the overtime issue, is that

Lynch - Martin

1 correct?

2 A He didn't specifically mention
3 overtime.

4 Q Okay.

5 A I just asked him if he knew anything
6 about the lawsuit or what's going on, and he basically
7 said -- I said, "What's it concerning?" And he said,
8 "It's back pay". I said, "What do you mean by back
9 pay?" He said, "Back pay".

10 Q Can you give me an idea where the farm
11 was, where you were when you had this conversation?

12 A It was on a farm, I don't recall which
13 farm, it was early morning.

14 Q Okay. Do you recall when you had this
15 conversation with him?

16 A Not exactly, but it was probably
17 sometime in February, '04.

18 Q Okay. Now, you mentioned I think in
19 your testimony right before lunch that you had heard
20 some rumors about a pending lawsuit, is that correct?

21 A Well, I really hadn't heard of any
22 rumors. Actually, the first I heard of it actually I
23 believe was from Mr. Owens.

24 Q And was that in February of '04 as
25 well?

Lynch - Martin

1 A Yes.

2 Q What was it that you had heard?

3 A I just received a phone call from
4 Mr. Owens, actually he had said he heard some rumors
5 and wanted to know if I had heard any rumors.

6 Q Okay. And what rumor did Mr. Owen
7 indicate that he had heard?

8 A Just there was some type of legal
9 action or some type of lawsuit, possible lawsuit
10 pending.

11 Q Did he tell you who it involved, what
12 group of employees?

13 A Crew leader employees.

14 Q And that's your best recollection,
15 that's how you first heard about it was through
16 Mr. Owen?

17 A Yes.

18 Q Okay. Now, let me show you what's been
19 used in a prior deposition and I don't have the actual
20 deposition number but it's called a final warning
21 dated 3-2-04.

22 A Yes.

23 Q Are you familiar with that document?

24 A Yes.

25 Q Did you draft that document?